

HOUSE No. 2862

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia for legislation to provide services for medically ill and mentally ill persons. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO PROVIDE SERVICES FOR MEDICALLY ILL AND MENTALLY ILL PERSONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 19 of the Mass. General Laws is hereby amended by
2 adding, after section one, the following new section:—

3 At least the first twelve and one-half percent of any placements
4 of persons in new department of mental health adult community
5 residential programs receiving operating funds within a fiscal
6 year, including but not limited to placements in existing commu-
7 nity residential programs which are not yet operational, shall be
8 provided in community residential programs with medical/nursing
9 care components for persons requiring both long-term mental
10 health services and at least intermediate nursing care services, as
11 defined in the regulations of the department of public welfare,
12 regardless of any person's need to have such services provided in
13 an institutional setting, until such time that at least one hundred
14 sixty such placements in community residential programs with
15 medical/nursing care components are provided and maintained, as
16 required by the comprehensive statewide plan developed pursuant
17 to Section 79 of Chapter 169 of the Acts of 1987.

18 In the event that twelve and one-half percent of the new com-
19 munity residential placements funded equals an amount adequate
20 to provide only a fractional portion of, or a whole number plus a
21 fractional portion of, the operating or capital funds necessary to
22 fund a whole number of community residential programs with

23 medical/nursing care components, the department shall provide all
24 additional amount adequate to fund the next higher whole number
25 of community residential programs with medical/nursing care
26 components.

27 For each department of mental health inpatient bed that is
28 closed during a fiscal year, commencing with fiscal year nineteen
29 hundred and ninety, at the Hadley building at Westborough state
30 hospital, the Worcester geriatric unit at Worcester state hospital,
31 and at any other department of mental health inpatient unit(s)
32 composed entirely or almost entirely of clients with intermediate,
33 skilled or chronic disease hospital level nursing care needs, an
34 amount equal to the per diem cost of operating such bed multi-
35 plied by the number of days of the fiscal year during which the
36 bed is closed, shall be transferred from the department of mental
37 health 5095-0000 account to the 5046-0000 account for the pur-
38 pose of funding the operation of community residential programs
39 with medical/nursing components as required under said compre-
40 hensive statewide plan, and shall be annualized in subsequent
41 fiscal years in the 5046-0000 account.

42 The department of mental health shall create a master plan to
43 develop at least one hundred sixty community residential place-
44 ments with medical/ nursing care components, assuming five-year
45 implementation, starting with fiscal year 2007, and requiring the
46 development of at least thirty-two placements per year, subject to
47 appropriation. The Department of Mental Health shall submit the
48 master plan to the house and senate committees on ways and
49 means on December 31, 2006 and shall submit a report regarding
50 implementation of the master plan, adjusted if necessary based on
51 the prior or current fiscal year appropriation, quarterly thereafter.
52 Such plan shall require that programs be comparable in size to
53 other department of mental health community residential pro-
54 grams, and geographically spread throughout the department of
55 mental health regions in the commonwealth. Such plan and quar-
56 terly reports shall designate, by department of mental health
57 region, the types of programs to be developed each year, the level
58 of medical/nursing care to be provided on site at each program,
59 the projected starting date for each program, the number of clients
60 in each program, and the names of clients projected for placement
61 in each program.

62 The department shall keep a separate waiting list of persons
63 waiting for community residential placements with medical/
64 nursing care components. Such list shall be developed by
65 December 31, 2006, and updated monthly.